

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34905

VILLAGE OF CROTON-ON-HUDSON, NEW YORK

v.

BUFFALO SOUTHERN RAILROAD, INC. *ET AL.*

PETITION OF GREENTREE REALTY LLC TO HOLD PROCEEDINGS IN ABEYANCE

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Dated: August 9, 2006

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1. Pursuant to 49 C.F.R. §§1117.1 and 1114.21(c), Greentree Realty LLC (“Greentree”) hereby requests that the Board enter an Order Holding this Proceeding in Abeyance (including discovery requests pending against Greentree by the Village of Croton-on-Hudson - “Croton”) pending resolution of the proceedings in STB Finance Docket Number 34903 (“F.D. No. 34903”). Greentree joins in the petition of Respondent Buffalo Southern Railroad, Inc. (“BSOR”) to hold the instant proceedings in abeyance.

2. The request for the abeyance is particularly relevant for Greentree since Greentree is not a carrier, but is a lessor who owns the property which Respondent BSOR has sublet from Greentree’s tenant. Croton’s alleged basis for the relief against Greentree is that Greentree knowingly permitted BSOR to violate 49 U.S.C. § 10902. A finding that BSOR is not violating 49 U.S.C. § 10902 would moot Croton’s claim against Greentree. Upon information and relief, that issue - whether BSOR requires Section 10902 authority to utilize the track on Greentree’s

property - is specifically at issue before the Board under F.D. No. 34903. Accordingly, the present complaint proceeding should be held in abeyance pending a resolution of that threshold issue in the F.D. No. 34903 proceeding.

Conclusion

The Board should enter an order holding the proceedings in STB Finance Docket No. 34905, including discovery tendered against Greentree, in abeyance pending resolution of proceedings in F.D. No. 34903.

Respectfully submitted,

GREENTREE REALTY, LLC



Dated: August 9, 2006

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